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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/975,951	10/15/2001	Mika Nishiyama	501.40646X00	9637
24956	7590	09/14/2005	EXAMINER	
MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C. 1800 DIAGONAL ROAD SUITE 370 ALEXANDRIA, VA 22314			HARVEY, DIONNE	
			ART UNIT	PAPER NUMBER
			2646	

DATE MAILED: 09/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No...

09/975,951

Applicant(s)

NISHIYAMA ET AL.

Examiner

Dionne N. Harvey

Art Unit

2646

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 13 and 16 is/are pending in the application.
- 4a) Of the above claim(s) 1-12, 14, 15 and 17-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13 and 16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. **Claim 13** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

For example, in line 15, Applicant recites "information such as", which is vague and indefinite.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claim 13** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Glorikian (US 6,772,213) in view of Egner (US 6,931,254)**.

Regarding claim 13, in **figure 1**, **Glorikian** teaches a data distribution system communicating with a mobile data communication device capable of obtaining current position information indicating a current position, comprising:

a data communication means/data sender/receiver **27** which sends and receives data to and from said mobile data communication device **31**;

a means for storing information/information memory **14** which stores area position information indicating a position of a specific area and information associated with said specific area; **in column 8, lines 47-53 and lines 59-67, Glorikian** teaches that the device may be implement indoors wherein triangulation techniques or the use of various transmitters may be employed so as to determine the mobile device's position within a specific area, reading on "a discriminator which discriminates whether or not said mobile data communication device is in said specific area based on said current position information sent from said mobile data communication device";

**in column 9, lines 21-26, Glorikian** teaches that in addition to the system determining the position of the user, the system also pulls appropriate information based upon said determined position, and pushes said information to the user's mobile device, reading on "a controller which controls providing control so that, in case said mobile data communication device is located in said specific area, information associated with said specific area is sent to said mobile data communication device via said data sender/receiver.";

**in column 18, lines 16-20, Glorikian** teaches a user information memory which stores user information such as an identification ID or a name of said mobile data communication device, **in column 18, lines 31-40** teaches that said controller receives said user information from said mobile data communication device via

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said data sender/receiver and stores said received user information in said user information memory;

and in **column 10, lines 52- column 11, Glorikian** teaches an advertisement information memory which stores preferential treatment information or advertisement information; and in **column 11, lines 21-36, Glorikian** teaches that the controller of the system controls said data sender/receiver to read said preferential treatment information or advertisement information and send said information to said mobile data communication device.

Glorikian does not clearly teaches that the controller includes means for measuring time spent in a specific area, based on position information received from the mobile communication device, and further that the measured time is converted to "interest points" for storage and association with each user of the device.

**In column 6, line 57 – column 7, line 15, Egner** teaches a personalized presentation system, wherein the location of a user is tracked, as well as the duration of a visit the user spends in a particular location, and wherein said tracked information is used to update the user's profile in determining areas of interest.

It would have been obvious for one of ordinary skill in the art at the time of the invention to combine the teachings of Glorikian and Egner, for the purpose of providing personalized advertisements and suggestions to the user, based upon those things determined to be of particular interest to said user.

3. **Claim 16** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Glorikian (US 6,772,213)** in view of **Egner (US 6,931,254)**, and further in view of **Stewart (US 6, 546,257)**.

Regarding claim 16, in **figure 1**, **Glorikian** teaches a data distribution system communicating with a mobile data communication device capable of obtaining current position information indicating a current position, comprising: a data communication means/data sender/receiver **27** which sends and receives data to and from said mobile data communication device **31**;  
a means for storing information/information memory **14** which stores area position information indicating a position of a specific area and information associated with said specific area; in **column 8, lines 47-53 and lines 59-67**, **Glorikian** teaches that the device may be implement indoors wherein triangulation techniques or the use of various transmitters may be employed so as to determine the mobile device's position within a specific area, reading on "a discriminator which discriminates whether or not said mobile data communication device is in said specific area based on said current position information sent from said mobile data communication device";  
and in **column 9, lines 21-26**, **Glorikian** teaches that in addition to the system determining the position of the user, the system also pulls appropriate information based upon said determined position, and pushes said information to the user's mobile device, reading on "a controller which controls providing control so that, in case said mobile data communication device is located in said specific

area, information associated with said specific area is sent to said mobile data communication device via said data sender/receiver.”

Glorikian does not clearly teaches a timer for communicating to said data sender/receiver time spent within a certain area, nor does Glorikian teach an informing portion for identifying the mobile communication device and for further notifying that any communication fees will be paid for by a service provide, in place of the owner of the mobile data communication device.

In **column 6, line 57 – column 7, line 15, Egner** teaches a personalized presentation system, wherein the location of a user is tracked, as well as the duration of a visit the user spends in a particular location, reading on “a timer”; and further teaches that the mobile device is provided with a tag ID for identifying the user of the device, which reads on “an informing portion”;

While **Stewart** teaches a method for providing regional service information to a user of a portable unit, as it relates to the user’s location; in **column 12, lines 15-20**, Stewart teaches that the service provider, from which respective information originates, will pay the costs of operating the mobile unit, during the transmission and receipt of respective information.

It would have been obvious for one of ordinary skill in the art at the time of the invention to combine the teachings of Glorikian, Egner and Stewart, thereby "feeding" detailed information to the user of the mobile device in a manner such that the user does not incur the costs of receiving said information, and whereby the user may be enticed to patronize said service providers.


### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dionne N Harvey whose telephone number is 571-272-7497. The examiner can normally be reached on 9-5:30 M-F.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
D. Harvey

  
GEORGE ENG  
PRIMARY EXAMINER